

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARRIOTT INTERNATIONAL, INC.,

Plaintiff,

v.

Civil Action No. 1:21-cv-00610-AJT/JFA

Dynasty Marketing Group, LLC, Rapid
Eagle Inc., Whisl Telecom, LLC,
PrestigeDrVoIP.Com Inc., Vacancy
Rewards, LLC, Cancun Ink Corp., S.A. de
C.V., Parrot Caribbean S.A. de C.V., Deep
Blue Desarrollos S. de R.L. de C.V., d/b/a
Vallarta Gardens Private Beach Club & Spa
Private Residence Club, Club Caribe Villa
Del Palmar S.A. de C.V., and ResortCom
International, LLC,

Defendants.

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF MOTION TO SEAL PURSUANT TO
LOCAL CIVIL RULE 5(C)**

Pursuant to Local Civil Rule 5, Plaintiff Marriott International, Inc. (“Marriott”), by counsel, submits this Memorandum in Support of Marriott’s Motion to Seal Portions of First Amended Complaint. Redacted text includes references to materials that Defendant ResortCom International, LLC (“ResortCom”) contends are sensitive and or confidential information, including information contained in contracts between certain defendants, business records, and other non-public documents which Defendant ResortCom seeks to retain as confidential.

Pursuant to Local Civil Rule 5, this Court may seal a document if (1) parties are provided public notice of the request to seal to allow time for objection; (2) there is no less drastic alternative to sealing the document, and (3) the document contains confidential information not available to

the public and the interest in preserving confidentiality outweighs the public's interest in access. *See Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000); *U.S. ex rel. Carter v. Halliburton Co.*, No. 1:10-CV-864, 2011 WL 2077799, at *2 (E.D. Va. 2011).

First, Marriott filed a notice of its motion to seal contemporaneously with the motion to seal, which provides the public with an opportunity to bring objections, if any, to filing the documents at issue under seal.

Second, Marriott has considered less drastic alternatives to sealing where possible. Marriott proposes redactions and is not seeking a full-scale sealing of the First Amended Complaint. Marriott redacts discrete portions of the First Amended Complaint to the extent it references sensitive, confidential, and/or proprietary information that a Defendant contends should be deemed confidential. *See, e.g., Walker Sys., Inc. v. Hubbell, Inc.*, 188 F.R.D. 428, 429 (S.D.W. Va. 1999) ("Where . . . the information sought to be protected concerns documents that the parties in good faith believe contain trade secrets or other confidential information, and the orders [to seal such information] are routinely agreed upon by the parties, such orders should be granted. . . ."). Out of an abundance of caution and so as not to make public information Defendant ResortCom believes is confidential, Marriott has filed an unredacted First Amended Complaint under seal and a redacted version has been filed on the public docket.

Third, the redacted information on pages 24, 28-29, and 51 refers to a list of ResortCom's Board members, Master Services Agreements between ResortCom and other defendants, and chargeback records maintained by ResortCom in relation to one of those defendants. According to Defendant ResortCom, disclosure of these materials would make public private and confidential business arrangements, records and documents of the contracting parties.

Thus, Marriott filed this Motion to seal portions of the unredacted First Amended

Complaint and to grant such other relief as this Court deems proper.

Dated: May 17, 2022

MARRIOTT INTERNATIONAL, INC.
By counsel

By: /s/ Attison L. Barnes, III
Attison L. Barnes, III (VA Bar No. 30458)
David E. Weslow (for *pro hac vice*)
Kevin G. Rupy (for *pro hac vice*)
Duane C. Pozza (for *pro hac vice*)
Stacey J. LaRiviere (VA Bar No. 92354)
WILEY REIN LLP
2050 M St. NW
Washington, DC 20036
Tel: (202) 719-7000
abarnes@wiley.law
dweslow@wiley.law
krupy@wiley.law
dpozza@wiley.law
slariviere@wiley.law

Counsel for Plaintiff Marriott International, Inc.

CERTIFICATE OF SERVICE

On this 17th day of May, 2022, a true and correct copy of the foregoing was served by electronically filing a copy with the Clerk of the Court using the ECF filing system.

/s/ Attison L. Barnes, III

Attison L. Barnes, III (VA Bar No. 30458)

WILEY REIN LLP

2050 M St. NW

Washington, DC 20036

Tel: (202) 719-7000

abarnes@wiley.law

Counsel for Plaintiff Marriott International, Inc.